

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SARAH CARTEE

v.

BBK BUSINESS, LLC, ET AL.

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CIVIL NO. 4:24-CV-50-SDJ

**NOTICE OF IMPENDING DISMISSAL**

More than ninety (90) days have passed since the filing of the Complaint in this Court on January 19, 2024. According to the records before the Court, Defendants Bijaya Bhusal and Dirga Kandel have not yet been served. This notice therefore serves to inform Plaintiff that this action shall be dismissed without prejudice as to Defendants Bijaya Bhusal and Dirga Kandel—in accordance with Federal Rule of Civil Procedure 4(m), as amended effective October 14, 2021—unless Plaintiff provides the Court by **August 7, 2024**, with proof that service was rendered within ninety (90) days of the Complaint’s filing.

Alternatively, if more than ninety (90) days are necessary for service of process, Plaintiff must, to avoid dismissal under Rule 4(m), execute a verified petition regarding service of process, advising the Court:


- A. That the case should not be dismissed as to the unserved Defendants
- B. That the failure to obtain service upon Defendants is not due to the fault of the Party seeking to avoid dismissal;
- C. The reasons why the case against the unserved Defendants should not be dismissed, set forth in detail and demonstrating good cause; and

D. That service will be effected on Defendants within thirty (30) days of the date of the petition.

The verified petition must be filed with the Court on or before **August 7, 2024**.

If the Court is satisfied that the case should not be dismissed as to the unserved Defendants, Plaintiff will be so notified. If dismissal of the case as to the unserved Defendants is satisfactory to the Plaintiff, no action is required. By executing the petition regarding service of process, Plaintiff need not appear in support thereof until and/or unless so notified by the Court. Failure to respond will result in dismissal of this case for failure to prosecute.

**So ORDERED and SIGNED this 25th day of July, 2024.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE